[redacted]

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

See Attached.

☐ Petty
☐ Minor
☐ Misde-meanor
☒ Felony

PENALTY: See Attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED

MAR 23 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT - U.S

JAYAVEL "JAY" MURUGAN

DISTRICT COURT NUMBER

CR17-00140 HSG

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

SA R. LIN, DHS

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE
SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form: BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned): Brigid S. Martin

DEFENDANT

IS *NOT* IN CUSTODY

1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges: N/A

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction } ☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: N/A

If Summons, complete following:
☐ Arraignment ☐ Initial Appearance

** Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment*

Defendant Address:

Date/Time: Before Judge:

Comments:

PENALTY SHEET ATTACHMENT – JAYAVEL "JAY" MURUGAN

Count One: 18 U.S.C § 371 – Conspiracy to Commit Visa Fraud and Document Fraud, and to Defraud the United States

Maximum Penalties:

Maximum term of imprisonment: 5 years
Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Maximum term of supervised release: 3 years
Mandatory special assessment: $100
Forfeiture
Restitution
Potential Deportation (if not a citizen)

Counts Two through Sixteen: 18 U.S.C. § 1546(a) – Visa Fraud

Maximum Penalties for Each Count:

Maximum term of imprisonment: 10 years
Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Maximum term of supervised release: 3 years
Mandatory special assessment: $100
Forfeiture
Restitution
Potential Deportation (if not a citizen)

Counts Seventeen and Eighteen: 18 U.S.C. § 1001(a)(3) – Use of False Documents

Maximum Penalties for Each Count:

Maximum term of imprisonment: 5 years
Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Maximum term of supervised release: 3 years
Mandatory special assessment: $100
Restitution
Potential Deportation (if not a citizen)

Counts Nineteen through Twenty-Five: 18 U.S.C. § 1341 – Mail Fraud

Maximum term of imprisonment: 20 years
Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice

the gross pecuniary loss inflicted on another, whichever is greater
Maximum term of supervised release: 3 years
Mandatory special assessment: $100
Forfeiture
Restitution
Potential Deportation (if not a citizen)

Count Twenty-Six: 18 U.S.C. § 1028A -- Aggravated Identity Theft

Mandatory Minimum term of imprisonment: 2 years, consecutive to any other sentence imposed
Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Maximum term of supervised release: 3 years
Mandatory special assessment: $100
Forfeiture
Restitution
Potential Deportation (if not a citizen)

AO 257 (Rev. 6/78)

[redacted]

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

OFFENSE CHARGED

See Attached.

☐ Petty
☐ Minor
☐ Misde-meanor
☒ Felony

PENALTY: See Attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED MAR 23 2017 SUSAN Y. SOONG CLERK, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND

DEFENDANT - U.S

SYED NAWAZ

DISTRICT COURT NUMBER

CR17-00140 HSG

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

SA R. LIN, DHS

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
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SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

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MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on this form: BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned): Brigid S. Martin

DEFENDANT

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3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction } ☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No } If "Yes" give date filed

DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS* ☒ WARRANT

Bail Amount: no bail

If Summons, complete following:
☐ Arraignment ☐ Initial Appearance

Defendant Address:

** Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment*

Date/Time: Before Judge:

Comments:

PENALTY SHEET ATTACHMENT – SYED NAWAZ

Count One: 18 U.S.C § 371 – Conspiracy to Commit Visa Fraud and Document Fraud, and to Defraud the United States

Maximum Penalties:

Maximum term of imprisonment: 5 years
Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Maximum term of supervised release: 3 years
Mandatory special assessment: $100
Forfeiture
Restitution
Potential Deportation (if not a citizen)

Counts Seventeen and Eighteen: 18 U.S.C. § 1001(a)(3) – Use of False Documents

Maximum Penalties for Each Count:

Maximum term of imprisonment: 5 years
Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Maximum term of supervised release: 3 years
Mandatory special assessment: $100
Restitution
Potential Deportation (if not a citizen)

AO 257 (Rev. 6/78)

[redacted]

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT ☐ SUPERSEDING

OFFENSE CHARGED

See Attached.

☐ Petty
☐ Minor
☐ Misde-meanor
☒ Felony

PENALTY: See Attached.

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

FILED

MAR 23 2017

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT - U.S

DYNASOFT SYNERGY, INC.

DISTRICT COURT NUMBER

CR17-00140 HSG

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

SA R. LIN, DHS

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE } SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

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Name and Office of Person Furnishing Information on this form: BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned): Brigid S. Martin

DEFENDANT

IS *NOT* IN CUSTODY

1) ☒ Has not been arrested, pending outcome this proceeding. If not detained give date any prior summons was served on above charges: N/A

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5) ☐ On another conviction } ☐ Federal ☐ State

6) ☐ Awaiting trial on other charges

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DATE OF ARREST Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT Bail Amount: N/A

If Summons, complete following:
☐ Arraignment ☐ Initial Appearance

Defendant Address:

** Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment*

Date/Time: Before Judge:

Comments:

PENALTY SHEET ATTACHMENT – DYNASOFT SYNERGY, INC.

Count One: 18 U.S.C § 371 – Conspiracy to Commit Visa Fraud and Document Fraud, and to Defraud the United States

Maximum Penalties:

Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Mandatory special assessment: $100
Forfeiture
Restitution

Counts Two through Sixteen: 18 U.S.C. § 1546(a) – Visa Fraud

Maximum Penalties for Each Count:

Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice
Mandatory special assessment: $100
Forfeiture
Restitution

Counts Seventeen and Eighteen: 18 U.S.C. § 1001(a)(3) – Use of False Documents

Maximum Penalties for Each Count:

Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Mandatory special assessment: $100
Restitution

Counts Nineteen through Twenty-Five: 18 U.S.C. § 1341 – Mail Fraud

Maximum fine: $250,000, or twice the gross pecuniary gain to the defendant, or twice the gross pecuniary loss inflicted on another, whichever is greater
Mandatory special assessment: $100
Forfeiture
Restitution

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: Oakland

FILED
MAR 23 2017
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

V.

[redacted]

JAYAVEL "JAY" MURUGAN,
SYED NAWAZ, and
DYNASOFT SYNERGY, INC.,

CR17-00140 HSG

DEFENDANT.

INDICTMENT

18 U.S.C. § 371 (Conspiracy to Commit Visa and Document Fraud, and to Defraud the United States); 18 U.S.C. § 1546(a) (Visa Fraud); 18 U.S.C. § 1001(a)(3) (Document Fraud); 18 U.S.C. § 1341 (Mail Fraud); 18 U.S.C. § 1028A – Aggravated Identity Theft; 18 U.S.C. § 2 – Aiding and Abetting; and 18 U.S.C. §§ 981(a)(1)(C), 982(a)(6)(A)(ii)(I) and (ii)(II) – Forfeiture

A true bill.

Narcissus Felix
Foreman

Filed in open court this 23rd day of March, 2017

[signature]
Clerk

Bail, $ no bail warrant for Syed Nawaz only
no process for the others
Kandis Westmore 3/23/17

BRIAN J. STRETCH (CABN 163973)
United States Attorney

SEALED BY COURT ORDER

FILED
MAR 23 2017
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

CR17-00140 HSG

UNITED STATES OF AMERICA, Plaintiff, v. JAYAVEL "JAY" MURUGAN, SYED NAWAZ, and DYNASOFT SYNERGY, INC., Defendants.	No. VIOLATIONS: 18 U.S.C. § 371 (Conspiracy to Commit Visa and Document Fraud, and to Defraud the United States); 18 U.S.C. § 1546(a) (Visa Fraud); 18 U.S.C. § 1001(a)(3) (Document Fraud); 18 U.S.C. § 1341 (Mail Fraud); 18 U.S.C. § 1028A – Aggravated Identity Theft; 18 U.S.C. § 2 – Aiding and Abetting; and 18 U.S.C. §§ 981(a)(1)(C), 982(a)(6)(A)(ii)(I) and (ii)(II) – Forfeiture. OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

Relevant Individuals and Entities

At all times relevant to this Indictment:

1. DYNASOFT Synergy, Inc. ("DYNASOFT"), was incorporated in the State of California on or about February 17, 2009, and was wholly owned and controlled by defendant JAYAVEL "JAY" MURUGAN (MURUGAN) and one other person. MURUGAN and the other person maintained control of the DYNASOFT bank accounts.

Document No. 1
District Court
Criminal Case Processing

2. DYNASOFT was located at 38930 Blacow Road, Suite B1, Fremont, California 94536.

3. MURUGAN was the co-owner and Chief Executive Officer (CEO) of DYNASOFT, and a resident of Fremont, California.

4. Defendant Syed NAWAZ was a resident of Santa Clara, California. NAWAZ was never employed by DYNASOFT, but two of NAWAZ's family members worked for DYNASOFT. At various times, NAWAZ worked for Cisco Systems ("Cisco"), Brocade Communications Systems ("Brocade"), and Equinix, Inc.

The H-1B Visa Program

5. The Immigration and Nationality Act, 8 U.S.C. § 1101, controls and regulates several categories of foreign nationals who may be admitted to the United States on a temporary basis as a nonimmigrant.

6. The H-1B Specialty Occupation Workers program allows an employer to temporarily employ a foreign worker in the United States on a nonimmigrant basis in a "specialty occupation." A specialty occupation requires the theoretical and practical application of a body of specialized knowledge and a bachelor's degree or its equivalent in the specific specialty.

7. Each employer seeking to employ an H-1B nonimmigrant is required to submit a completed Labor Certification Application ("LCA"). The LCA requires the employer to make several attestations, including confirming the existence and duration of the temporary job, the wages, working conditions, and benefits to be provided to the nonimmigrant.

8. After submission of the LCA, the employer of an H-1B nonimmigrant worker is required to file a Form I-129, Petition for Nonimmigrant Worker ("I-129 Petition") with U.S. Citizenship and Immigration Services ("USCIS"), a component of the U.S. Department of Homeland Security ("DHS"), for the specific individual—the beneficiary of the H-1B visa application process—hired in connection with the particular certification.

Visa Fraud Scheme

9. Since in or about August 2010, MURUGAN has held DYNASOFT out as a staffing specialist company to technology firms based in Santa Clara County and elsewhere seeking to fill temporary positions with H-1B workers.

10. Beginning as early as August 2010 and continuing through in or about 2016, in the Northern District of California and elsewhere, MURUGAN submitted, and aided and abetted the submission of, fraudulent H-1B visa applications—including I-129 petitions and supporting documents—for temporary nonimmigrant beneficiaries sponsored by petitioning company DYNASOFT. These applications required the petitioner to represent to the United States, under penalty of perjury and criminal and civil penalties, the true name, location, terms, and duration of the underlying employment position to be filled by the stated beneficiary in each H-1B application.

11. In some instances, the USCIS responded to DYNASOFT's I-129 petitions with a Request for Evidence (RFE). In response to RFEs, MURUGAN procured, submitted, and aided and abetted the submission of, fraudulent documents in support of the previously submitted fraudulent visa applications.

12. In some instances, the beneficiary of a fraudulently obtained visa traveled overseas and needed to get the visa validated in order to return to the United States. This required the beneficiary to be interviewed at a U.S. consulate by a consular officer and provide documents supporting the issued visa. MURUGAN procured, delivered to the beneficiaries, and aided and abetted the submission to consular officers of fraudulent documents in support of visas previously issued based on fraudulent visa applications.

13. NAWAZ submitted and caused to be submitted to DHS, USCIS, and consular officials, fraudulent documents in support of fraudulent I-129 petitions, specifically, fraudulent end-client letters falsely stating that nonimmigrant workers were physically performing work at the named end-client company. NAWAZ submitted fraudulent end-client letters and caused them to be submitted simultaneously with the I-129 petitions, in support of pending fraudulent I-129 petitions in response to an RFE, and in support of visas issued based on fraudulent I-129 petitions in cases where the beneficiary traveled overseas and had to obtain a foil from a U.S. consular officer confirming the beneficiary's visa was still valid.

14. The end-client companies listed in the fraudulent H-1B applications and fraudulent end-client letters submitted by the defendants never received the proposed H-1B workers for the positions as claimed by the defendants in the I-129 petitions and supporting documents, and never intended to receive those H-1B workers as claimed by the defendants.

15. The defendants, and others, caused to be submitted, and aided and abetted the submission of fraudulent documents to the United States Government in connection with H-1B applications in order to create a pool of H-1B beneficiaries who arrived or remained in the United States pursuant to the fraudulently filed and obtained H-1B visas, and who could thereafter be placed at legitimate employment positions in the Northern District of California and elsewhere. Through this scheme, DYNASOFT reaped profits and gained an unfair advantage over competing employment-staffing firms.

COUNT ONE: (18 U.S.C. § 371 – Conspiracy to Commit Visa and Document Fraud, and to Defraud the United States)

16. The factual allegations contained in paragraphs 1 through 15 of this Indictment are hereby realleged and incorporated by reference as if set forth in full herein.

17. Beginning as early as August 2010, and continuing until on or about November 9, 2016, in the Northern District of California and elsewhere, the defendants,

JAYAVEL "JAY" MURUGAN,
SYED NAWAZ, and
DYNASOFT SYNERGY, INC.,

knowingly and intentionally conspired and agreed together and with each other and with other individuals both known and unknown to the Grand Jury to commit offenses against the United States, namely, to:

- knowingly use, possess, obtain, and receive a nonimmigrant visa and other documents prescribed by statute and regulation for entry into and as evidence of authorized stay and employment in the United States, knowing that the documents were procured by means of a false claim and statement, and to have been otherwise procured by fraud and unlawfully obtained, in violation of Title 18, United States Code, Section 1546(a); and
- knowingly and willfully make and use a false writing and document knowing it to contain a materially false, fictitious, and fraudulent statement, in a matter within the jurisdiction of the executive branch of the United States, specifically DHS, by signing documents containing false statements, including I-129 petitions, and creating and signing end-client letters in support of those petitions, in violation of Title 18, United States Code, Section 1001(a)(3);

and conspired to defraud the United States for the purpose of impeding, impairing, obstructing, and defeating the lawful government functions of the U.S. Department of State, DHS, and USCIS, in the oversight and enforcement of the laws relating to immigration and other federal criminal laws and regulations.

//

Overt Acts

18. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following overt acts, among others, were committed in the Northern District of California and elsewhere:

a. On or about June 10, 2011, under penalty of perjury, MURUGAN signed and submitted or caused to be submitted a fraudulent I-129 petition and supporting documentation for foreign worker H.K. to be placed at end-client company Cisco. In submitting that petition and its supporting documentation, MURUGAN falsely represented that H.K. had a job offer from Cisco when the defendant then and there knew that these representations were false.

b. On or about November 10, 2011, MURUGAN delivered or caused to be delivered to H.K. the fraudulent end-client letter purportedly signed by NAWAZ in preparation for H.K.'s trip overseas to India. MURUGAN instructed H.K. to give it to the consular officer during H.K.'s consulate visit in India to obtain a visa foil. MURUGAN instructed H.K. to tell consular officers that she worked at Cisco even though H.K. worked for a different end-client and MURUGAN knew then and there that H.K. did not work at Cisco.

c. On or about April 30, 2012, under penalty of perjury, MURUGAN signed and submitted a fraudulent I-129 petition for foreign worker K.K. to be placed at end-client company Cisco from October 1, 2012, through September 30, 2015. In submitting that petition and its supporting documentation, MURUGAN falsely represented that K.K. had a job offer as reflected by purchase order and service agreement documents from Cisco when the defendant then and there knew that these representations were false.

d. On or about December 3, 2012, the U.S. Consulate in Chennai, India, requested additional information regarding the April 2012 visa petition for foreign worker K.K. On or before March 22, 2013, NAWAZ created and signed a fraudulent end-client letter in support of an I-129 petition for K.K., claiming that K.K. would be working at Cisco as an end-client company from February 2013 through at least September 2015—information that was material to the U.S. State Department and consular officials, and that NAWAZ and MURUGAN knew to be false.

e. On or before March 22, 2013, MURUGAN submitted or caused to be submitted to the U.S. Consulate in Chennai, India, the fraudulent end-client letter signed by NAWAZ purportedly on behalf of K.K. as well as other false documentation in support of the I-129 petition filed by MURUGAN for foreign worker K.K.

f. On or about April 16, 2012, under penalty of perjury, MURUGAN signed and submitted a fraudulent I-129 petition for foreign worker S.A. to be placed at end-client Stanford. In submitting that petition and its supporting documentation, MURUGAN falsely represented that S.A. had a job offer and contract documents from Stanford when the defendant then and there knew that these representations were false.

g. On or about October 31, 2013, in response to S.A.'s request for additional supporting documentation to provide to the U.S. Consulate in Chennai, India. MURUGAN sent via email to S.A. a Stanford Purchase Order for a different foreign worker with the worker's name redacted (blacked out). MURUGAN intended the documents to be provided by S.A. to the U.S. State Department and consular officials, as proof of employment, information that was material to these entities and that MURUGAN knew to be false.

h. On or about November 26, 2013, NAWAZ sent via email to S.A.'s mother (who in turn forwarded the email to S.A.) a letter dated October 29, 2013, that appears to be an end-client letter from Stanford to the consular officers purporting that S.A. would be employed at Stanford through December 2014— NAWAZ intended the end-client letter to be provided by S.A. to the U.S. Consulate as proof of employment, information that was material to the U.S. State Department and consular officials and that the defendants knew to be false.

i. On or about December 19, 2013, after NAWAZ no longer worked at Cisco, MURUGAN sent an email to Cisco employee P.P. requesting that P.P. sign end-client letters for Cisco and attaching template end-client letters for visa petition beneficiaries B.P. and R.R., when MURUGAN then and there knew that B.P. and R.R. did not work at Cisco and were not expected at that time to work for Cisco.

j. On or about March 16, 2014, USCIS issued an RFE on V.P.D.'s visa application. On or about June 6, 2014, DYNASOFT solicited an end-client letter from NAWAZ who was then employed at Brocade. NAWAZ signed an end-client letter dated June 18, 2014, containing false statements that foreign worker V.P.D. had a job at end-client Brocade. On or about June 18, 2014, NAWAZ sent the fraudulent letter via email to a DYNASOFT employee, who then emailed the letter to MURUGAN.

k. On or about July 24, 2014, MURUGAN submitted or caused to be submitted to USCIS the fraudulent end-client letter signed by NAWAZ purportedly on behalf of V.P.D. claiming that Brocade intended to employ (as an end-client company) V.P.D. for one year with possible extensions—information that was material to DHS and other government agencies and that MURUGAN and NAWAZ knew to be false.

All in violation of Title 18, United States Code, Section 371.

COUNTS TWO THROUGH TEN: (18 U.S.C. §§ 1546 and 2 – Visa Fraud)

19. Paragraphs 1 through 15 are realleged as if fully set forth herein.

20. On or about the dates listed below, in the Northern District of California and elsewhere, the defendants,

JAYAVEL "JAY" MURUGAN and
DYNASOFT SYNERGY, INC.,

knowingly made under oath, and subscribed as true under penalty of perjury under 28 U.S.C. § 1746, false statements with respect to material facts in an application, an affidavit, and a document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such application, affidavit, and document containing such false statements, namely, by falsely representing in I-129 petitions and supporting documentation to DHS that the below-listed H-1B applicants had job offers from and would be placed at end-client company Stanford, when the defendants knew that these representations were false:

Count	Filing Date	Name of Beneficiary
2	April 17, 2012	S.B.
3	April 18, 2012	A.G.
4	April 20, 2012	S.A.
5	May 24, 2012	R.K.D.
6	June 7, 2012	S.R.
7	June 7, 2012	S.S.
8	June 7, 2012	A.U.
9	August 27, 2012	R.G.
10	September 6, 2012	M.S.

All in violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNTS ELEVEN THROUGH SIXTEEN: (18 U.S.C. §§ 1546 and 2 – Visa Fraud)

21. Paragraphs 1 through 15 are realleged as if fully set forth herein.

22. On or about the dates listed below, in the Northern District of California and elsewhere, the defendants,

JAYAVEL "JAY" MURUGAN and
DYNASOFT SYNERGY, INC.,

knowingly made under oath, and subscribed as true under penalty of perjury under 28 U.S.C. § 1746, false statements with respect to material facts in an application, an affidavit, and a document required by the immigration laws and regulations prescribed thereunder, and knowingly presented such application, affidavit, and document containing such false statements, namely, by falsely representing in I-129 petitions and supporting documentation to DHS that the below-listed H-1B applicants had job offers from and would be placed at end-client company Cisco, when the defendants knew that these representations were false:

Count	Filing Date	Name of Beneficiary
11	April 17, 2012	H.K.
12	May 11, 2012	K.K.
13	May 24, 2012	J.J.
14	June 4, 2012	L.P.G.
15	June 11, 2012	S.K.
16	March 7, 2013	S.P.

All in violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNTS SEVENTEEN THROUGH EIGHTEEN: (18 U.S.C. §§ 1001(a)(3) and 2 – Use of False Documents)

23. Paragraphs 1 through 15 are realleged as if fully set forth herein.

24. On or about the dates listed below, in the Northern District of California and elsewhere, the defendants,

JAYAVEL "JAY" MURUGAN,
SYED NAWAZ, and
DYNASOFT SYNERGY, INC.,

did knowingly and willfully make and use a false writing and document knowing it to contain a materially false, fictitious, and fraudulent statement and entry, in a matter within the jurisdiction of the executive branch of the United States, specifically DHS, by submitting end-client letters in support of fraudulent visa petitions, and aiding and abetting the same:

Count	Filing Date	Name of Beneficiary
17	July 30, 2014	V.P.D.
18	July 30, 2014	R.V.S.

All in violation of Title 18, United States Code, Sections 1001(a)(3) and 2.

COUNTS NINETEEN THROUGH TWENTY-FIVE: (18 U.S.C. §§ 1341 and 2 – Mail Fraud)

25. Paragraphs 1 through 15 are realleged as if fully set forth herein.

26. On or about the dates listed below, in the Northern District of California and elsewhere, the defendants,

JAYAVEL "JAY" MURUGAN, and
DYNASOFT SYNERGY, INC.,

with the intent to defraud, devised and willfully participated in, with knowledge of its fraudulent nature the above-described scheme and artifice to defraud as to a material matter and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, including by making false representations and material omissions about, among other things, the nature, existence, and scope of purported H-1B positions at various companies, for the purpose of illegitimately acquiring H-1B visas, and did knowingly cause to be delivered by commercial interstate carrier the following mailings:

Count	Date	Carrier	Description of Mailing
19	May 10, 2012	FedEx	I-129 Petition and Supporting Documents for Beneficiary K.K.
20	June 6, 2012	FedEx	I-129 Petition and Supporting Documents for Beneficiary S.S.
21	June 9, 2012	FedEx	I-129 Petition and Supporting Documents for Beneficiary S.K.
22	August 24, 2012	FedEx	I-129 Petition and Supporting Documents for Beneficiary R.G.
23	September 26, 2012	FedEx	Supporting Documents in Response to RFE for Beneficiary K.K.
24	April 3, 2013	FedEx	Supporting Documents in Response to RFE for Beneficiary H.K.
25	July 30, 2014	FedEx	Supporting Documents in Response to RFE for Beneficiary V.P.D.

All in violation of Title 18, United States Code, Sections 1341 and 2.

COUNT TWENTY-SIX: (18 U.S.C. § 1028A – Aggravated Identity Theft)

27. Paragraphs 1 through 15 are realleged as if fully set forth herein.

28. On or about October 31, 2013, in the Northern District of California, the defendant,

JAYAVEL "JAY" MURUGAN,

knowingly possessed and used, without lawful authority, a means of identification of another person, specifically, the signature of B.M., a person authorized by Stanford to sign purchase orders for service contracts, and submitted this means of identification, and caused it to be submitted, as supporting documentation to the H-1B visa application for S.A., during and in relation to a violation of Title 18, United States Code, Section 1546, as charged in Count Four of this Indictment.

All in violation of Title 18, United States Code, Section 1028A(a)(1) and (c)(7).

FORFEITURE ALLEGATION: (18 U.S.C. §§ 981(a)(1)(C) & 982(a)(6)(A)(ii)(I) and (ii)(II))

29. Paragraphs 1 through 15 are realleged as if fully set forth herein.

30. Upon a conviction for Counts 1 through 16 of this Indictment, a violation of 18 U.S.C. § 1546(a), or conspiracy to violate the same, the defendants,

JAYAVEL "JAY" MURUGAN,
SYED NAWAZ, and
DYNASOFT SYNERGY, INC.,

shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(6)(A)(ii), any property, real or personal, (I) that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offenses of conviction; or (II) that is used to facilitate, or is intended to be used to facilitate, the commission of the offenses of conviction, including but not limited to:

a. A money judgment equivalent to the value of the proceeds and/or the property involved in the commission of the offenses of conviction;

b. Real property and improvements located at 595 Jay Street, Los Altos, California, 94002, Santa Clara County, Parcel ID 170-20-061.

31. Upon a conviction for Counts 19 through 25 of this Indictment, a violation of 18 U.S.C. § 1341, the defendants,

JAYAVEL "JAY" MURUGAN, and
DYNASOFT SYNERGY, INC.,

shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C), any property, real or personal, that constitutes or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of the offenses of conviction, including but not limited to:

a. A money judgment equivalent to the value of the proceeds from the commission of the offenses of conviction;

b. Real property and improvements located at 595 Jay Street, Los Altos, California, 94002, Santa Clara County, Parcel ID 170-20-061.

32. If, as a result of any act or omission of the defendants, any of said property

(a) cannot be located upon the exercise of due diligence;

(b) has been transferred or sold to, or deposited with, a third person;

(c) has been placed beyond the jurisdiction of the Court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty,

any and all interest defendants have in any other property up to the value of the proceeds traceable to said offenses shall be forfeited to the United States pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1).

All in violation of Title 18, United States Code, Section 982(a)(6)(A)(ii) and (b)(1), and Rule 32.2 of the Federal Rules of Criminal Procedure.

DATED: 3-23-2017

A TRUE BILL

FOREPERSON

BRIAN J. STRETCH
United States Attorney

ELISE BECKER
Deputy Chief, Criminal Division

(Approved as to form: ____________________)
AUSA Brigid Martin